

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ILLINOIS
NORTHERN DIVISION**

MICHAEL LYON, et al.)	
)	
Plaintiffs,)	
)	Case No. 08 C 754
v.)	
)	The Honorable Amy J. St. Eve
SIGMUND A. EISENSCHENK, et al.,)	
)	
Defendants.)	

NOTICE OF MOTION and PROOF OF SERVICE

TO: Gregory A. McCormick, Esq.
Garfield & Merel, Ltd.
223 West Jackson Boulevard
Suite 1010
Chicago, IL 60606

PLEASE TAKE NOTICE that on **June 3, 2008 at 8:30 a.m.**, or as soon thereafter as counsel may be heard, the undersigned shall appear before **Judge Amy St. Eve, Courtroom 1241**, United States District Court for the Northern District of Illinois, Eastern Division, and then and there present **DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**, a copy of which is attached hereto and served upon you.

Respectfully submitted,

Sigmund Eisenschenk, Resource Equities, LLC and
Thunder Bay Enterprises, LLC

By:

/s/ Daniel C. Curth
One of their attorneys

Leland W. Hutchinson (ARDC #1294873)
Daniel C. Curth (ARDC #6229090)
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PROOF OF SERVICE

I hereby certify that on **May 27, 2008**, I electronically filed **DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory A. McCormick, Esq.
Garfield & Merel, Ltd.
223 West Jackson Boulevard
Suite 1010
Chicago, IL 60606

A copy of **DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION** was also served via U.S. mail, postage prepaid, by placing a copy of same in the mail box located at 311 South Wacker Drive, Suite 3000, Chicago, Illinois 60606, this **27th** day of **May, 2008**.

/s/ Daniel C. Curth

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